Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 1/29/2021 9:55:26 PM
To: Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
Subject: OCSPP News for January 29, 2020

OCSPP News Round-Up

General EPA

- Chemical Watch 01/28; Court decision pauses US EPA science transparency rule
- E&E News 01/28; Court rejects Trump admin attempt to fast-track science rule

Toxics

- Chemical & Engineering News 01/28; Solvay withheld PFAS toxicity data, group claims
- E&E News 01/29; House PFAS Task Force relaunches with a bang
- E&E News 01/27; Chemical industry donations in disarray post-riot
- Inside TSCA 01/29; Trump-Era 'Brain Drain' Could Frustrate Biden EPA's TSCA Agenda
- Inside TSCA 01/28; PFAS-Contaminated Containers Spur Call For Tighter New-Use Controls
- Inside TSCA 01/28; Critics Hope Biden EOs Override Trump Push For OMB To Review IRIS Drafts
- Inside TSCA 01/28; ADAO seeks 'clear timetable' on asbestos evaluations
- Patch 01/24; Gov. Evers Announces Legal Action Against PFAS Contaminators

Pesticides

- NPR WAMU 01/20; Toxic Pesticide Faces New Scrutiny From Biden Administration

COVID/Disinfectants

- Huffpost 01/28; Do Face Mask Sprays Actually Work To Protect Against The Coronavirus?

Blog/OpEd/Other

- Asbestos.com 01/27; EPA's Asbestos Risk Evaluation Faces Litigation
- Bergeson & Campbell Blogs 01/29; Registration Opens for First Committee Meeting on Guidance on PFAS Testing and Health Outcomes
- Genetic Literacy Project 01/29; Bayer asks federal judge to toss lawsuit demanding cancer warning label on glyphosate weedkiller
- Newsmax 01/22; Vaccines Aren't Enough; We Need Faster Disinfectants
- The Counter 01/21; PFAS in our pesticides?
- The Hill Opinion 1/29; Reversing the Trump administration's numerous harmful efforts to censor science
- Bergeson & Campbell Pesticide Blog 1/29; EPA Announces Approval of Airborne Antiviral Treatment Product for Use against COVID-19

++

Court decision pauses US EPA science transparency rule

Kelly Franklin, Chemical Watch

https://chemicalwatch.com/208684/court-decision-pauses-us-epa-science-transparency-rule

A US federal district court has ruled that the Trump administration's EPA acted unlawfully in making its science transparency rule take effect immediately and has ordered a delay that could give opponents to the controversial policy a strong foothold to fight it.

The US district court for the District of Montana's decision came in one of two legal challenges to the rule, 'the Strengthening transparency in pivotal science underlying significant regulatory actions and influential scientific information' rule.

Its ruling centred on the EPA's decision to have the rule take effect on publication in the Federal Register on 6 January, in the waning days of the Trump administration.

Administrative law calls for a 30-day notice before a substantive rule can do so. The EPA said it was exempt from this requirement because the science transparency rule was a procedural one and that it had "good cause" to shorten the timeline.

The court, however, disagreed on both counts.

"The final rule was a substantive rule. EPA did not provide good cause to exempt the final rule from the [Administrative Procedure Act] APA's 30-day notice requirement," said Judge Brian Morris in a 27 January ruling.

"EPA's decision to make the final rule immediately effective on publication was 'arbitrary, capricious' and 'otherwise not in accordance with law'."

The immediate effect of the court's decision is to delay the rule's effective date to 5 February.

But perhaps more importantly, the decision questions whether the EPA had the legal authority to issue the rule.

The EPA relied on its authority under the Federal Housekeeping Statute, but this law only allows it to issue procedural rules.

The court's finding that the science transparency rule is a substantive, rather than procedural, rule "casts into significant doubt whether EPA retains any legal basis to promulgate" it, the decision said.

Moreover, the rule could face headwinds from the new administration.

On Inauguration Day, President Biden signed a sweeping executive order directing federal agencies to evaluate policies enacted in the last four years. It specifically called on the EPA to consider "suspending, revising or rescinding" the science transparency rule.

The pause on the effective date should give the incoming administration an opportunity to conduct this review and potentially reverse the rule, a more challenging process if it has taken effect.

The decision "increases the odds that the harmful and highly controversial rule won't survive lawsuits opposing it, and opens the door for EPA to suspend the rule until the courts finish hearing those lawsuits," said petitioning organisation Environmental Defense Fund in a blog post.

The EPA did not respond to a request for comment by the time of publication.

The lawsuit is Environmental Defense Fund et al v US Environmental Protection Agency et al.

Court rejects Trump admin attempt to fast-track science rule
Pamela King and Kelsey Brugger, E&E News
https://www.eenews.net/greenwire/2021/01/28/stories/1063723795?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Agreenwire

A federal court last night slow-tracked the Trump administration's efforts to limit EPA's use of science to support regulations, opening a window for President Biden to more easily walk back the rule.

Yesterday's ruling from the U.S. District Court for the District of Montana means EPA's rule goes into effect Feb. 5, rather than Jan. 6, as the Trump administration had planned.

Although the challenge and subsequent ruling were limited to the timing of the rule's implementation, Chief Judge Brian Morris said he questioned whether EPA had the authority to create the rule under the Federal Housekeeping Statute, which allows agencies to set standards for their internal operations.

"The Court's above determination that the Final Rule represented a substantive rule rather than procedural rule casts into significant doubt whether EPA retains any legal basis to promulgate the Final Rule," the judge, an Obama appointee, wrote in his decision.

The Environmental Defense Fund, the Montana Environmental Information Center and Citizens for Clean Energy — the groups that challenged the rule — now have the option to call on Biden's EPA to stay the rule pending the outcome of the litigation.

At issue in the case is the agency's "Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information" rule, which seeks to limit EPA's use of research that does not disclose underlying data or cannot be reproduced.

The rule, released earlier this month, completed a yearslong effort by the Trump administration to try to root out what Republicans and industry groups have long called "secret science" in environmental regulations.

The final version, which deviated considerably from the first iteration, sought to target research that relies on "dose-response data," which examines the impact of a measured amount of pollutant or toxin on humans.

The rule forces EPA to give more consideration to "pivotal" research, which it says can be independently validated. Critics say the rule could lead to weaker air pollution standards, among others.

What's more, critics pointed to the fact the Trump EPA erroneously claimed "good cause" for the rule to go into effect immediately, bypassing a 30-day waiting period mandated under the Administrative Procedure Act.

The environmental groups sued earlier this month to stop Trump's rule from taking effect before that 30-day period (Greenwire, Jan. 12).

"This is a great day for science and public health," Anne Hedges, director of policy and legislative affairs for the Montana Environmental Information Center, said in a statement.

"It's a relief to have a court agree that the previous administration acted illegally in its parting shot at science and basic public health protections.

"We can all breathe easier," she continued. "Literally."

EPA did not immediately respond to a request for comment.

Solvay withheld PFAS toxicity data, group claims
Britt E. Erickson, Chemical & Engineering News
https://cen.acs.org/environment/persistent-pollutants/Solvay-withheld-PFAS-toxicity-data/99/web/2021/01

Environmental advocates are urging the US Environmental Protection Agency to fine Solvay Specialty Polymers a total of $434 million for allegedly withholding information about the toxicity of per-and polyfluoroalkyl substances (PFAS) used by the company as processing aids to make fluoropolymers.

At issue are compounds called chloroperfluoropolyether carboxylates that Solvay used as replacements for surfactants containing salts of perfluorononanoic acid (PFNA) or perfluorooctanoic acid (PFOA).

Solvay stopped using those two chemicals more than a decade ago because they are toxic and persist in the environment. Both are known drinking water contaminants.

In a Jan. 26 petition, the Environmental Working Group (EWG), an advocacy organization, claims that Solvay violated reporting requirements under the Toxic Substances Control Act (TSCA) by waiting more than 5 years to notify the EPA about potential risks to human health and the environment posed by chloroperfluoropolyether carboxylates. According to the EWG, Solvay identified risks in a 4-week oral toxicity study in rats in 2005, but the company didn't send the information to the EPA until 2011. The EWG also claims that Solvay has known since at least 2011 that chloroperfluoropolyether carboxylates accumulate in human blood, but the company didn't send biomonitoring data of its workers to the EPA until late 2019.

"We suspect that Solvay deliberately kept these damning toxicity studies from the EPA—a serious violation of federal law that requires companies to immediately report any evidence they uncover that a chemical may pose a substantial health hazard," Ken Cook, president of the EWG, says in a statement. The group is encouraging the EPA to fine Solvay the maximum penalty under TSCA.

In an emailed statement, Solvay calls the allegations from the EWG "misguided and without merit." The company says that it is in compliance with TSCA requirements.

The toxicity data and identities of the compounds in question were made public 2 months ago when Solvay announced that it was phasing out the chemicals, the EWG says. The company previously claimed that the identities of the compounds was confidential business information.

A Solvay spokesperson confirmed in an email that the company has developed new nonfluorosurfactant technologies and is phasing out the use of fluorosurfactant processing aids.

The move comes after scientists from the New Jersey Department of Environmental Protection and the EPA reported last year finding several chloroperfluoropolyether carboxylates in soil near Solvay's West Deptford plant in Gloucester County, NJ (Science 2020, DOI: 10.1126/science.aba7127). The New Jersey researchers claimed that the compounds are potentially just as toxic as PFOA and PFNA. In November, New Jersey sued Solvay and Arkema, which owned the facility in the 1980s and used several PFAS to make fluoropolymers, to pay for remediation of contaminated drinking water near the site.

House PFAS Task Force relaunches with a bang
E.A. Crunden, E&E News

https://www.eenews.net/eenewspm/2021/01/29/stories/1063723923?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeenewspm

A bipartisan group of lawmakers have relaunched a task force dedicated to addressing "forever chemicals," further pushing the issue into the spotlight amid growing scrutiny from legislators and regulators.

Democratic and Republican representatives kicked off the latest iteration of the Congressional PFAS Task Force during a virtual press conference today as they seek to push President Biden and Congress to act on per- and polyfluoroalkyl substances (PFAS).

"[It's] not every day that you have Congress members from both sides of the aisle," said Rep. Dan Kildee (D-Mich.), who shared that the task force had just sent a letter to the Biden administration.

That letter, signed by 132 members of Congress, asks the new administration to designate the two most researched PFAS — PFOA and PFOS — as hazardous substances under Superfund law, in addition to moving forward on regulating those chemicals in drinking water.

Other requests include restricting industrial air releases of PFAS and directing the Department of Defense to accelerate its phaseout of PFAS-laden firefighting foam.

Lawmakers laid out similar asks in their morning press conference. The PFAS Task Force now includes more than 55 members, who have an ambitious agenda planned for the 117th Congress.

Rep. Debbie Dingell (D-Mich.) reiterated that she will be reviving legislation targeting PFAS in food containers, as well as introducing a new bill focused on getting the chemicals out of cosmetics. Last session's major PFAS bill, the "PFAS Action Act," is also guaranteed to return.

"We're going to get it done this year," said Dingell, one of multiple Michigan representatives on the call, whose state has been heavily affected by PFAS contamination.

Congress members indicated they expect to have an ally in the White House, as Biden has signaled PFAS will be a priority for his administration. In the final days of the Trump presidency, EPA began the process of regulating PFOA and PFOS under the Safe Drinking Water Act, a long process that the new administration is likely to continue (E&E News PM, Jan. 20).

But the Trump EPA punted on regulating any PFAS under Superfund law, despite major pressure to have the chemicals declared hazardous substances.

Biden's EPA is now facing a similar push from communities and advocates to move forward with that process, as well as to extend scrutiny to the wider class of chemicals beyond PFOA and PFOS.

"[We have] very high expectations to finally tackle, sufficiently tackle the issue," said Rep. Brian Fitzpatrick (R-Pa.), who said he was "looking forward to working with this new administration."

Another Republican, Rep. Peter Meijer (R-Mich.), also emphasized support for federal action, citing a patchwork of increasingly varied efforts across states.

That trend of "50 states all coming up with regulations all based on different datasets," he said, is creating problems and speaks to the need for decisive movement at the federal level.

Who pays?

One looming issue facing legislators and regulators regards liability and who will ultimately foot the bill for long-term cleanup costs.

Utilities, waste management interests and other stakeholders have expressed concern over looming costs associated with any cleanup, especially if PFAS are designated hazardous under Superfund. Lawmakers today briefly addressed the issue of carve-outs and who should have to pay.

"We're talking about it," said Dingell, referencing conversations she has had with another task force member, Rep. Fred Upton (R-Mich.).

While lawmakers seemed to acknowledge the cost concerns raised by some stakeholders, they took a hard line on chemical manufacturers. Kildee appeared to single out DuPont and its spinoff Chemours Co., referencing companies seeking to shift costs onto spinoff entities.

"They have to accept some responsibility for cleaning up the mess they created," said Kildee.

Republicans also took an aggressive tone on the issue. "Entities that profited off of this should have to bear the cost of the cleanup," said Fitzpatrick.

Some organizations are already greeting the task force's relaunch. Terry Morse, CEO of the National Ground Water Association, said in a statement that addressing PFAS contamination "deserves nothing less than a fully committed bi-partisan effort" from Congress.

"This is a good day in the fight against PFAS, but it is up to all of us to ensure the goals of this taskforce are realized," said Morse.

Chemical industry donations in disarray post-riot
E.A. Crunden, E&E News
https://www.eenews.net/eedaily/2021/01/27/stories/1063723465?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeedaily

Refusal by some lawmakers to certify the results of the Electoral College will cost them thousands of dollars in donations from chemical company political action committees, even as the industry has been divided in its response to fallout from the Jan. 6 riot at the Capitol.

Like players in other industries, many chemical companies have decided to suspend or reconsider donations following the violence earlier this month.

Dow Inc. drew early attention when the company announced that its PAC would cease all donations to members of Congress who did not vote to certify the election results (E&E Daily, Jan. 12).

Such moves are part of a larger, symbolic break between major corporate funders and Republican lawmakers. But experts on money and politics have said the actual impact could be limited for a number of reasons.

And while the chemical industry wields significant power in Washington, it accounted for a small percentage of the $68 million that business PACs gave in 2020 to the 147 lawmakers who later objected to the election results.

"The chemical industry as a whole is not among the biggest industries, so while there's money there, it's probably not a major source for the typical Electoral College objector," said Doug Weber, a senior researcher with the nonpartisan, nonprofit Center for Responsive Politics (CRP).

CRP found the top 100 donors from the chemical manufacturing industry to those lawmakers largely yielded donations ranging from a few thousand to tens of thousands of dollars.

Only two donors — the American Chemistry Council (ACC) and the German company BASF SE — gave more than $100,000 in the 2019-2020 cycle.

And only one of those lawmakers, Rep. Steve Scalise (R-La.), received more than $100,000 with ties to the industry during that cycle. Scalise, whose state is home to significant chemical interests, received $166,804.

Varying approaches
Responses from the industry have also varied, with the most high-profile decision coming from Dow. While the company's PAC has only donated to 20 of the 147 lawmakers who objected since 2016, it is the fifth biggest donor from the chemicals industry to those individuals for the most recent election cycle.

Spokesperson Rachelle Schikorra confirmed the company has ceased donations to the 147 Congress members "for a period of one election cycle." That commitment "specifically includes contributions to the candidate's reelection committee and their affiliated PACs."

BASF, like Dow, has suspended all donations for those members of Congress. Spokesperson Katharina Meischen said the duration would be for 2021-2022, or the whole of the 117th Congress. Eastman Chemical Co., which gave implicated lawmakers $94,279 in the last cycle, did not respond to a request for comment.

The biggest donor is holding off on making any quick decisions. ACC condemned the riot and said the trade organization "continuously evaluates possible recipients for PAC donations." But the group will wait until a previously scheduled PAC board meeting, to be held the first week of February, until deciding next steps.

Other major players in the chemical space have taken broader approaches to donations than Dow and BASF. Ecolab Inc., for example, "has suspended all political contributions while it evaluates its contribution criteria," according to a spokesperson, who said the company's PAC does not have a time frame for resuming donations at present.

Sean Lynch, spokesperson for 3M Co., also confirmed the company "will not be making any political contributions for the first quarter of the year," a suspension that will be reevaluated in April.

DuPont similarly said that its Employees of DuPont PAC will cease donations to all candidates for federal office until July 1. It is unclear why those companies also targeted lawmakers who voted to certify the election results.

Murky implications
Suspending or reconsidering donations carries weight because some lawmakers rely heavily on PAC money. But individual...

Trump-Era 'Brain Drain' Could Frustrate Biden EPA's TSCA Agenda
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/trump-era-brain-drain-could-frustrate-biden-epa-s-tsca-agenda

Industry attorneys say the "brain drain" EPA suffered under former President Donald Trump, along with a lack of "infrastructure" for new-chemicals reviews, could make it difficult for the Biden administration to strengthen the TSCA program as it plans without missing the law's tight statutory deadlines for chemical rules and reviews.

Any plans for the agency to quickly tighten its implementation of the Toxic Substances Control Act (TSCA) face a "difficult brain drain problem," said attorney Richard Engler, director of chemistry for the law firm Bergeson & Campbell, during the firm's Jan. 28 webinar on "what to expect" from the Biden EPA.

EPA saw a staff "exodus" of resignations, retirements and contract buyouts under former President Donald Trump,

which was ascribed to a combination of low morale and deliberate staffing cuts. By 2018, the agency's workforce had shrunk by about 1,200 employees, or 8 percent, from when he took office, and Engler said it will be difficult to replace the expertise lost to those departures, especially in a program as technical and difficult to learn as TSCA.

Both Engler and attorney Jim Aidala, who headed EPA's toxics office in the Clinton administration, said that even though morale is expected to improve under President Joe Biden, and staffing levels with it, the agency faces tight deadlines for chemical assessments and risk management rules that will be even more challenging to meet with a less-experienced workforce.

"There's a lot of work to getting people on board" in the toxics program particularly, Engler said.

He continued that when EPA hires new employees, "They're not familiar with TSCA. I certainly wasn't, when I started at EPA one thousand years ago. You have to learn, and you generally learn from the experienced people. But... a lot of them have already retired, and they continue to retire."

Engler said that the TSCA office faces several challenges in Biden's early days, including the prospect that agency leaders could seek to "redo" the 10 evaluations of existing chemicals that the Trump EPA completed -- and which are already the targets of a wave of lawsuits from environmentalists who say they ignored a host of uses or exposure pathways that meet the law's test for "unreasonable risk."

Any effort to revisit the already-finished evaluations, especially if it involves "adding additional conditions of use, or additional considerations, will be a lot of work," he said.

"I'm not sure what the legal mechanism will be" for reopening the evaluations, Engler said. "The 'does not present unreasonable risk' findings that were a part of those risk evaluations, those were issued by order. So it's not clear what the mechanism is to reverse those. If there was a lawsuit, there might be an opportunity to pull back those decisions, but that's going to be a challenge."

TSCA 'Infrastructure'

Engler said the agency will also need to build "infrastructure" to manage some of the mandates that Congress has imposed on it, in particular the TSCA new chemicals program.

For instance, Engler noted that Environmental Defense Fund (EDF) is already suing EPA over its failure to publish premanufacture notices (PMNs) in the Federal Register in a timely fashion -- a process that will take time and resources to establish.

"Now we have a new administration that will presumably be amenable to doing this and being more timely but that's a resource problem," Engler says. "Again, going back to the question about resources - you need the people, the bodies, the system, to quickly turn them around. They're going to have to develop the routine and develop the staff to keep that moving."

Even if EPA wants to boost transparency on PMNs, he said, the lawsuit could compel a level of transparency that the agency lacks the resources to actually meet.

"Surely if there's a negotiated settlement in court, and EPA commits to whatever they commit to, the consequences of not meeting that commitment are going to be much...

PFAS-Contaminated Containers Spur Call For Tighter New-Use Controls
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/pfas-contaminated-containers-spur-call-tighter-new-use-controls

A whistleblower group says EPA's finding that per- and polyfluoroalkyl substances (PFAS) leached from shipping barrels into a widely-used pesticide bolsters its case for the agency to drastically tighten limits on the chemicals' uses, arguing that current policies are too weak to prevent other "inadvertent" contamination.

"What the Biden administration needs to do immediately is stop the introduction of all new PFAS, or new uses of the existing PFAS," Kyla Bennett, the New England Director of the whistleblower environmental group Public Employees for Environmental Responsibility (PEER), tells Inside TSCA. Bennett previously worked at EPA in both scientific and legal capacities.

EPA on Jan. 14 announced that it had confirmed that fluorinated containers used to transport the mosquito-killing pesticide Anvil 10+10 were contaminating their contents with PFAS, and that it would subpoena "the company that fluorinates the containers used by certain pesticide manufacturers" -- which it did not name -- to seek more detail on the process used to produce them.

Anvil 10+10 is used by about 28 states for their aerial mosquito spraying programs, according to PEER.

But Bennett -- who led a PEER study that the group says first detected PFAS in the pesticide -- says that response appears both inadequate to the situation and too late.

"[EPA said] they did a subpoena under TSCA to figure out where these barrels and containers are being used, but shouldn't they have done that years ago?" Bennett said. "Why did it take this to have them ask that question? Shouldn't we know if PFAS-laden containers are being used to transport our food? Is it in our milk, is it in oil, is it in flour, oats? We have no idea. And that, to me, is the most frightening thing that's come out of this."

Rather, she says the situation shows a need for EPA to develop new ways to test products for PFAS and to regulate their use more tightly to prevent more contamination, including through broad application of the Toxic Substances Control Act's (TSCA) section 5 new chemicals program.

"One of the things PEER is going to be asking EPA to do is to figure out, not just to regulate these as a class, but to figure out a better way to test for them," Bennett says. "Because right now, we only have total organic fluorine, and it's very difficult and very expensive, and not necessarily determinative of PFAS, just indicative."

Several environmental groups have called for regulating PFAS as a group, arguing that the agency should use TSCA section 5 to set strict limits if not a total ban on new products that contain perfluorinated substances.

Bennett says EPA can only reverse its "whack-a-mole approach" to PFAS by adopting a class-based regulatory strategy, along with other steps like mandatory PFAS testing for wastewater plant discharges and landfill leachate, and new research into safe disposal methods.

"But until we figure out how to destroy them, we're just going to be left with storing it somewhere safe," Bennett said. "And if it comes to that, fine. But we have to stop dumping them into our rivers, putting them in our landfills, or incinerating them, because none of those things are working."

And PEER in a statement on the Anvil 10+10 subpoena says it will continue to demand "firm standards" under TSCA or another law.

"[A]bsent firm standards, the ability for EPA to take direct action against PFAS-laden packages remains unclear," the group says.

Data Gaps

The American Chemistry Council (ACC), which represents chemical manufacturers, wrote in a comment to Inside TSCA

that it believes there is not yet enough data available on the Anvil 10+10 contamination to make any calls as far as what regulation would be necessary to avoid similar incidents in the future.

"We are committed to working with EPA and state regulators to ensure strong policies are in place that are protective of human health and the environment," ACC says. "EPA is still collecting information on...

Critics Hope Biden EOs Override Trump Push For OMB To Review IRIS Drafts
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/critics-hope-biden-eos-override-trump-push-omb-review-iris-drafts

The Trump administration's controversial 11th-hour push to again subject EPA chemical assessments to White House review appears to have stalled when a key memo went unsigned, though critics also hope the policy will be overridden by President Joe Biden's early executive order (EO) on modernizing regulatory review.

In a Jan. 8 memo, obtained by Inside TSCA, then-Office of Information and Regulatory Affairs (OIRA) Administrator Paul Ray directed then-EPA Administrator Andrew Wheeler to place chemical assessments from the agency's influential Integrated Risk Information System (IRIS) and other programs under OIRA regulatory review.

"I have determined that IRIS Assessments qualify as 'guidance documents' within the meaning of E.O. [13891] and that certain of these Assessments historically have qualified, and are likely to continue to qualify, as 'significant' as that term is defined in E.O. 12866 and E.O. 13891," Ray writes.

"Under the terms of both of these Orders, therefore, 'draft' and 'final' IRIS Assessments should be submitted to OIRA for determination of significance and, for Assessments deemed significant, for interagency review."

Reports of the memo drew concerns in the final days of the Trump administration as officials appeared to subject a controversial draft assessment of a per- and polyfluoroalkyl substance (PFAS), known as PFBS, to the review requirements, sparking fears that it could renew OIRA reviews of EPA chemical assessments.

But the memo Inside TSCA obtained is not signed, suggesting the policy change was never formalized and thus did not extend past Ray's resignation at the end of the Trump administration.

"If it didn't get finished before [Jan. 20 at] noon, it's finished," James Goodwin, interim executive director of the Center for Progressive Reform, tells Inside TSCA.

Betsy Southerland, a former top EPA official who now works with the Environmental Protection Network of EPA alumni, also believes that even if Ray's directive somehow managed to take effect without a signature, Biden effectively nullified the Jan. 8 memo when he ordered OMB and OIRA to "modernize" their regulatory reviews.

Biden's Jan. 20 order directs OMB to recommend ways "to improve and modernize regulatory review . . . the recommendations 'should provide concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.'"

Southerland says the order "should ensure that memo never gets implemented," Southerland tells Inside TSCA. "There is no justification for the OMB memo stating that the predominantly non-scientists in OIRA will decide how to resolve other agencies disagreeing with EPA's IRIS and [some other risk values] which are strictly health-based values."

Goodwin adds that under the order, "one of the things that needs to be considered as part of that broader modernization effort is the proper role of OIRA with regard to agency science. Of course, the only proper role is no role at all. That's where the Biden administration should land, which would make review of these IRIS assessments

verboten."

Goodwin, however, acknowledges that there is a risk that a memo like this could slip through the modernization process if it is focused at too high a level. "That's especially a risk because OIRA's career staff have an ideological commitment to meddling in everything agencies do to in order to weaken or block those actions," he says, pointing to former Obama rules chief Cass Sunstein's tenure as an example.

Goodwin is optimistic, however, that Sharon Block, Biden's pick to lead OIRA, will be more engaged. "Sharon Block in particular is well attuned to the dangers of OIRA meddling in agency science. I would expect her to take special care in ensuring that this does not happen on her watch."

OIRA Reviews

Ray's memo argues that "IRIS Assessments and...

ADAO seeks 'clear timetable' on asbestos evaluations
N/A, Inside TSCA
https://insideepa.com/tsca-takes/adao-seeks-clear-timetable-asbestos-evaluations

An attorney for environmentalists suing EPA over its final TSCA evaluation of chrysotile asbestos and threatening a second challenge to force the agency to study risks from legacy uses of the substance say the cases are designed to ensure officials conduct a comprehensive and timely assessment while addressing concerns with the Trump EPA's widely criticized, narrow review.

"Ultimately, the goal is a comprehensive [asbestos] Part 2 evaluation that addresses the gaps in Part 1 and the risks of legacy, with a clear enforceable timetable to complete both," Bob Sussman, counsel to two of the challengers, Asbestos Disease Awareness Organization (ADAO) and Safer Chemicals Healthy Families (SCHF), tells Inside TSCA.

He says both legal actions the groups filed Jan. 26, "while in different courts and based on different provisions of [the Toxic Substances Control Act (TSCA)], are both intended to get us to that goal."

ADAO and SCHF, along with several other environmental and public-health organizations, filed a petition for review with the U.S. Court of Appeals for the 9th Circuit, targeting EPA's final TSCA evaluation "determining the risks of certain conditions of use of chrysotile asbestos fibers but declining to consider the risks of other asbestos fibers, conditions of use, health effects and pathways of exposure that impact public health."

The 12 citizen groups and experts behind that position also signed a separate notice of intent to sue EPA over what they say is its failure to fulfill a mandatory duty under TSCA to assess all risks from asbestos, including the discontinued "legacy" uses that the agency under Trump declined to consider in its chrysotile assessment.

Section 20 of the revised TSCA allows citizen groups to sue the agency when it fails to complete a "non-discretionary duty" mandated by the law, but plaintiffs must send a notice of intent before bringing such a case.

That division means the 9th Circuit case will be limited to the findings of EPA's Dec. 30 evaluation, which narrowly focused on chrysotile asbestos and left analysis of other fiber types as well as legacy uses for a later "supplemental" evaluation.

The document found that 16 of 32 uses of chrysotile asbestos pose unreasonable risks to workers, consumers or bystanders, triggering a one-year deadline under TSCA to propose risk management rules to mitigate those risks. If ADAO and its allies prevail in the 9th Circuit, EPA could be forced to reexamine the 16 uses it found did not warrant regulation.

Sussman says that with the petition, "we are targeting the omissions and gaps in the Part 1 evaluation. Many of these issues turn on the record for the [draft risk evaluation] and legal questions that are being raised by other pending petitions for review in the 9th Circuit. Thus, the court of appeals is the best forum for these issues."

In contrast, he says, the notice of intent is "focused strictly on the legacy issue -- here, we believe EPA has a non-discretionary duty based on the earlier 9th Circuit decision so a suit under [TSCA] section 20 is the best vehicle. We're really looking for an enforceable deadline to complete the legacy evaluation coupled with clarity on its scope."

Former EPA toxics chief Alex Dunn promised to start the second evaluation after the 9th Circuit ruled in 2019 that the agency could not exclude legacy uses of chemicals from TSCA reviews, but the groups note in a joint statement announcing their litigation that there has been no formal timeline for the "part 2" analysis.

If the petitioners file the suit they outlined in the notice of intent, it could lead to a court ruling making the broader asbestos evaluation mandatory and add a judicially-enforced deadline.

Gov. Evers Announces Legal Action Against PFAS Contaminators
N/A, Patch
https://patch.com/wisconsin/across-wi/gov-evers-announces-legal-action-against-pfas-contaminators

Press release from the Office of the Governor:

Jan. 24, 2021

Gov. Tony Evers announced today that his administration is preparing to take legal action against companies responsible for PFAS contamination in Wisconsin. Gov. Evers, in consultation with Wisconsin Attorney General Josh Kaul, asked the Department of the Administration (DOA) to begin the selection process for an outside law firm to help the state evaluate and pursue litigation against companies responsible. The decision comes following recommendations from the Wisconsin PFAS Action Council's PFAS Action Plan released in December 2020.

"PFAS can have devastating effects not only on our state's ecosystem and vital natural resources, but on the health of our families and communities across the state," said Gov. Evers. "It is unacceptable and those companies responsible for the contamination of our land and water should be held accountable so we can move forward in cleaning up this pollution for the health and safety of our communities."

The Wisconsin PFAS Action Council, which was created by Executive Order #40, aims to help address the issue of PFAS in our state. The Action Council's PFAS Action Plan includes 25 action items to address PFAS contamination, centered around environmental justice, health equity, and pollution prevention. One of the action items recommended from the plan is pursing appropriate legal action against corporate actors responsible for the harmful discharges.

"PFAS cause severe harms to people's health and result in long-term environmental contamination," said Attorney General Kaul. "As this announcement reflects, Governor Evers' administration and the Wisconsin Department of Justice take this issue very seriously and are working together to get contaminated sites cleaned up, support for those who have been exposed to dangerous levels of PFAS, and accountability from those responsible for the harms that PFAS have caused in Wisconsin."

Other states, such as Michigan, Ohio, New Hampshire, and Vermont, have already pursued litigation against corporate actors responsible for PFAS contamination and have leveraged the funds derived from the litigation to support the communities most impacted. Currently, Wisconsin monitors nearly 50 sites across the state for PFAS contamination.

Looking ahead, DOA will solicit bids from qualified law firms that are willing to adhere to the statutory limits of Wis. Stat.

§ 20.9305(2). Following the procurement process, Gov. Evers will make a final determination of the appropriate counsel.

Parents Must Adopt Biological Twins Under State Surrogacy Law
Judges twice deny a couple's legal rights to their biological twins born to a gestational surrogate, who isn't making a claim on the babies.

PFAS, per- and polyfluoroalkyl substances, are a group of human-made chemicals used for decades in numerous products including non-stick cookware, fast food wrappers, stain-resistant sprays and certain types of firefighting foam. These contaminants have made their way into the environment through spills of PFAS-containing materials, discharges of PFAS-containing wastewater to treatment plants and certain types of firefighting foams.

PFAS do not break down in the environment and have been discovered at concentrations of concern in groundwater, surface water and drinking water. They are also known to bioaccumulate in fish and wildlife tissues and accumulate in the human body, posing several risks to human health.

Toxic Pesticide Faces New Scrutiny From Biden Administration
Dan Charles, NPR WAMU
https://www.npr.org/sections/inauguration-day-live-updates/2021/01/20/958925222/toxic-pesticide-faces-new-scrutiny-from-biden-administration

President Biden's initial wave of planned executive actions includes an order to reexamine one controversial, but widely used, pesticide called chlorpyrifos. The Trump administration had stepped in to keep the chemical on the market after Obama-era officials tried to ban it.

It's just one in a long list of science-related Trump administration actions that the incoming Biden team will now revisit. In a statement, Biden promised to take a close look at all policies "that were harmful to public health, damaging to the environment, unsupported by the best available science, or otherwise not in the national interest."

Farmers use chlorpyrifos to control insects on a wide variety of crops, including corn, apples, and vegetables. It is among the most toxic pesticides. Workers exposed to it can experience dizziness, headaches, and nausea. Most indoor uses of the pesticide were halted in 2001.

More recently, however, researchers at Columbia University studied health records from women who'd been exposed to this chemical before that ban, and found evidence that exposure to tiny amounts of chlorpyrifos harmed the brains of their developing fetuses and young children. Those studies, along with lawsuits filed by environmental advocates, convinced the Environmental Protection Agency to move ahead with a ban during the final months of the Obama administration.

Article continues after sponsor message

When the Trump administration took office in 2017, the new EPA leadership put that decision on hold and later reversed it. This was due in large part to the agency's decision to exclude evidence from the Columbia University studies, because university researchers refused to turn over raw data from those studies. The researchers maintain that this would violate the confidentiality of the women whom they'd studied.

California, meanwhile, moved ahead with its own regulations. It banned sales of chlorpyrifos in the state in early 2020. Starting this year, California's farmers no longer can spray the chemical.

The Biden administration now will take a fresh look at chlorpyrifos, as well as the EPA's rules that justified excluding the Columbia University studies. In addition, the incoming administration will revisit a Trump administration decision to

shrink the buffer zones around fields that have to be free of people when pesticides are applied. Farmworker advocates have challenged that decision in court.

Do Face Mask Sprays Actually Work To Protect Against The Coronavirus?
Dana Rose Falcone, Huffpost
https://www.huffpost.com/entry/coronavirus-mask-sanitizer-spray_l_600f3533c5b600a2796229a4

As cleanliness continues to be a priority amid the COVID-19 pandemic, face mask sprays that tout varying degrees of odor elimination and disinfection have joined the group of products we feel pressured to buy.

Lifestyle brands like Spinster Sisters, Uncommon Goods and Way of Will, major retailers such as Amazon and Walmart, and small businesses on Etsy have all started selling mask sprays, intended for use on cloth face coverings. Different sprays make different assertions about how they'll improve your face covering some claim to be antimicrobial and antibacterial, while others bill themselves as a refresher and deodorizer. Of course a pumpkin-spice mask spray exists, as do ones that'll make your face covering smell like sugar cookies or a margarita.

Many sprays are made with just essential oils and water, while others include alcohols that can kill the coronavirus but according to the experts HuffPost spoke with, some virus-killing ingredients can be hazardous to your respiratory health.

Not to mention, this is a new, unregulated marketplace that can't guarantee effectiveness. These sprays could also be breaking down the fibers of a cloth mask, and thus the barrier to potential coronavirus exposure.

Different sprays make different assertions about how they'll improve your face covering. But do they work?

The word "disinfectant" on a mask spray label indicates it actually kills bacteria. University of Washington professor of environmental and occupational health sciences Scott Meschke told HuffPost that a "true disinfectant" would be regulated by the Environmental Protection Agency. If the agency finds the compound effective against the coronavirus, it will be featured on the EPA's List N.

Mask sprays that don't outright call themselves disinfectants don't require the same government oversight, and therefore "we don't necessarily know what's in them because of that lack of regulation," said University of Florida epidemiologist Cindy Prins.

However, while List N includes ingredients that may kill the coronavirus, that doesn't necessarily mean they're safe for you to inhale. One such ingredient on the list is hypochlorous acid, which Meschke described as "a bleach solution where it's not actually bleaching" (it can be found in ULV500 Face Mask Spray and Clorox Fabric Sanitizer Spray). You should avoid sprays that include bleach, which can degrade the mask's cloth — and it should go without saying that "bleach is not good for your lungs," Prins said.

Another ingredient on List N is benzalkonium chloride (found in Sowl Mask Shield + Sanitizer and Advanced Moisturizer Spray), a chemical that kills the coronavirus but is not recommended for face masks. "I certainly would tell people not to put it on their masks," Prins said. "When we use these compounds to clean in a health care setting, we try to minimize people's respiratory exposure. That's probably not the safest thing to do, to put it on your mask."

An additional ingredient on List N that should be avoided in high amounts is ethanol (aka ethyl alcohol). At around a 70% concentration, it eliminates virus particles (it can be found it Cavere Naturally Derived Face Mask Sanitizing Cleanser Spray and Ttoma Face Mask and Hand Sanitizer Spray). But in order for it to be effective, Prins notes, "you would have to do the equivalent of dipping your mask in alcohol," so the spray itself might not be sufficient. Plus, "you don't want to wet [your mask] down and put it against your skin — then you're breathing alcohol," she said.

Ultimately, "things that kill the virus aren't particularly good for you to be breathing," Meschke...

EPA's Asbestos Risk Evaluation Faces Litigation
Tim Povtak, Asbestos.com
https://www.asbestos.com/news/2021/01/27/epa-asbestos-evaluation-litigation/

The Asbestos Disease Awareness Organization continued its challenge of the U.S. Environmental Protection Agency, filing a petition for review Jan. 26 in the U.S. Court of Appeals for the Ninth Circuit and an intent to sue notice under the Toxic Substances Control Act.

ADAO, the leading nonprofit aimed at preventing asbestos exposure and raising awareness about mesothelioma, was joined by five public health groups and six doctors and scientists in its latest filings.

The petition for review is aimed at the EPA's Final Risk Evaluation for Asbestos from earlier this month that was roundly criticized for underestimating the dangers of this toxic mineral, despite a presentation of unreasonable risk to human health.

The 60-day intent to sue notice is aimed at pushing the EPA to perform its nondiscretionary duty of addressing the use and disposal of legacy asbestos in that risk evaluation.

Both filings named Jane Nishida, acting administrator of the EPA.

"Shaping public policy can be glacially slow. It's imperative for us to exercise our legal options as provided in the TSCA [Toxic Substances Control Act]," Linda Reinstein, president and founder of ADAO, told The Mesothelioma Center at Asbestos.com. "The dangerously incomplete final risk evaluation understates the enormous toll of disease and death for which asbestos is directly responsible."

ADAO Changing Its Role
ADAO has been involved in advocacy and education efforts regarding asbestos exposure for almost two decades. Its focus in recent years also has turned to legislative and legal initiatives, mostly directed at the EPA.

The ultimate goal has been a complete ban of asbestos, along with tighter requirements on reporting exposure and legacy asbestos. Numerous legislative attempts throughout the years have failed in Congress.

Most recently, the Alan Reinstein Ban Asbestos Now Act of 2020 – H.R. 1603 – failed to advance through the U.S. House of Representatives in October, despite broad support.

The EPA's Risk Evaluation for Asbestos was sparked by the 2016 amendment to the Toxic Substances Control Act, which identified the mineral as one of the first 10 chemicals to be examined.

EPA Asbestos Action Slowed to a Crawl
Although the EPA's Final Risk Evaluation for Asbestos was expected to be finished by 2020, the agency released only Part 1 earlier this month, addressing 16 conditions of asbestos use that presented either occupational exposures or consumer uses.

Asbestos exposure can cause a number of serious health issues, including mesothelioma cancer.

Part 1 failed to address legacy asbestos, which remains in residential and commercial buildings after decades of unbridled use throughout the construction industry.

According to the EPA, a Part 2 preliminary evaluation will become public in mid-2021 and will address the issue of legacy asbestos and the associated disposals of the product.

The EPA Office of Pollution Prevention and Toxics will hold a public webinar Feb. 3 to explain its risk management process under the TSCA and its Part 1 findings. The public will have an opportunity to present suggestions for managing the unreasonable risks.

"The EPA found unreasonable risk to consumers and bystanders from all consumer uses of chrysotile asbestos," the report states.

Asbestos, which already is heavily regulated, has not been mined in the U.S. since 2002. A record low of 100 metric tons of raw asbestos was imported in 2019, all of which was consumed by the chloralkali industry, which uses it for semipermeable diaphragms to make chlorine.

The asbestos products list today includes imports of sheet gaskets, aftermarket automotive brakes, brake blocks, other gaskets and friction products. The exact import volume of those asbestos products is not fully known, the EPA admits.

Criticism of EPA Evaluation Is Widespread
The criticism of the evaluation has been extensive. In December 2020, a California District Court judge ruled that the EPA has unlawfully failed...

Registration Opens for First Committee Meeting on Guidance on PFAS Testing and Health Outcomes
Lynn L. Bergeson and Carla N. Hutton, Bergeson & Campbell Blogs
http://www.tscablog.com/entry/registration-opens-for-first-committee-meeting-on-guidance-on-pfas-testing

On February 4, 2021, the ad hoc committee appointed by the National Academies of Sciences, Engineering, and Medicine (the National Academies) to consider current evidence regarding human health effects of the most widely studied per- and polyfluoroalkyl substances (PFAS) will hold its first meeting. The National Academies will provide the Centers for Disease Control and Prevention (CDC), the Agency for Toxic Substances and Disease Registry (ATSDR), and the National Institutes of Environmental Health Sciences (NIEHS) "an objective and authoritative review of current evidence regarding human health effects of those PFAS being monitored in the CDC's National Report on Human Exposure to Environmental Chemicals." The National Academies will also provide recommendations regarding potential changes to CDC and ATSDR PFAS clinical guidance, including:

Options and considerations to guide decision-making for PFAS testing in a patient's blood or urine;
PFAS concentrations that could inform clinical care of exposed patients; and
Appropriate patient follow-up and care specific to PFAS-associated health endpoints for those patients known or suspected to be exposed to PFAS.
The committee will host multiple town hall events in the spring and summer 2021 to hear from PFAS-impacted communities. The National Academies intends to release the final report in 2022.

Bayer asks federal judge to toss lawsuit demanding cancer warning label on glyphosate weedkiller
John O'Brien, Genetic Literacy Project
https://geneticliteracyproject.org/2021/01/29/bayer-asks-federal-judge-to-toss-lawsuit-demanding-cancer-warning-label-on-glyphosate-weedkiller/

Monsanto is again asking a Delaware judge to toss a lawsuit that demands a cancer warning label on its weedkiller Roundup, despite both the federal government and state of California determining that wouldn't be appropriate.

The company on Jan. 26 filed its second motion to dismiss the lawsuit brought by Scott Gilmore in Delaware federal court, with this most recent one targeting Gilmore's amended complaint.

Gilmore's case claims a warning label was required even though a California judge has ruled it was wrong to place one of the state's infamous Prop 65 warnings on it and the federal Environmental Protection Agency has determined the product doesn't cause cancer.

Freestar
Gilmore doesn't allege he has contracted non-Hodgkin's lymphoma, the disease with an alleged link to active ingredient glyphosate that is the subject of thousands of lawsuits.

Nearly every regulatory body in the world says glyphosate does not cause cancer, with the exception of the International Agency for Research on Cancer.

Its former non-voting chairman, Chris Portier, signed on as a paid plaintiff expert shortly after IARC reached its conclusion.

Vaccines Aren't Enough; We Need Faster Disinfectants
Rayne Guest, Newsmax
https://www.newsmax.com/rayneguest/covid-disinfectants/2021/01/22/id/1006767/

The following article has been authored by a non-clinician.

Thousands of pathogens are detrimental to human health, they mutate, and vaccines can only go so far in protecting us. Disinfectants are one of our greatest weapons in the fight against COVID and other infectious diseases, yet they have been misused for decades and COVID has unfortunately not changed this reality.

Long before COVID-19 hit, Mark White, a friend and former governor of Texas, was aware of the senseless deaths caused by improper disinfection. What Gov. White understood, and what needs to be impressed upon us all, is that old-school disinfectants have multiple disadvantages. The global pandemic has highlighted just how impractical, inefficient and often harmful to human and environmental health they are.

The Environmental Protection Agency's (EPA) List N has become the holy bible for companies and risk assessors looking to find a disinfectant to combat COVID-19. Many of the products on this regarded list have a 10-minute contact time, which is the amount of time that a disinfectant must remain thoroughly wet on a surface to be effective.

Despite the EPA's inclusion of hundreds of such products on the List N, the Centers for Disease Control and Prevention (CDC) has conversely determined that, "Such a long contact time is not practical for disinfection of environmental surfaces in a health-care setting because most health-care facilities apply a disinfectant and allow it to dry (~1 minute)."

Gov. White was aware of an advanced one-minute disinfectant in 2015. He recognized it as key to reducing the 1.7 million healthcare-acquired infections that occur in the United States each year. These preventable infections claim the lives of over 100,000 Americans annually.

In a June 18, 2015, email to Dr. Paul Klotman, President of Baylor College of Medicine, Gov. White wrote, "This is a new product, manufactured in San Marcos, Texas. Should reduce/stop infections in hospital settings and dramatically cut cleaning costs."

Gov. White was right. In 2019, HHS, an Austin-based organization that provides environmental cleaning services to over 600 facilities, including hospitals, conducted an evaluation with CHRISTUS Trinity Mother Frances Hospital in Tyler, Texas.

The evaluation examined the benefit of using a one-minute disinfectant, TK60, versus Diversey's Virex 256, a widely used

10-minute disinfectant. The results were clear and astounding. They found that by using TK60, they were able to reduce room cleaning times by more than 50%, while also lowering infection rates. (Full disclosure: TK60 is manufactured by R-Water, whose CEO is the author of this article.)

COVID is overburdening our hospitals. On January 15, 2021, the CDC reported that during the month of December, "the overall weekly hospitalization rate reached its highest point since the beginning of the pandemic and remains elevated." Operational efficiency is a key factor for health care workers to be able to provide quality care.

Over the years, Gov. White made introductions he thought would be pivotal in changing the course of the chemical industry. Together we met with various facilities, including hospitals and jail systems, to share the benefits of eliminating harmful, archaic chemicals. Gov. White believed that logic and data should drive decisions: if a disinfectant is quicker and safer, use it. In the throes of a pandemic, this has never been more imperative.

We are compelled to comply with the CDC's recommendations to wear masks and practice social distancing. Shouldn't we heed its advice and steer clear of disinfectants requiring a 10-minute contact time?

In the hope of highlighting facts surrounding disinfectants, I recently penned an open letter to the White House Coronavirus Task Force. COVID cases and deaths continue to rise, hospitals are swamped, lockdowns are destroying small businesses, and grandparents long to hug their grandchildren.

It is time to use all the weapons...

PFAS in our pesticides?
N/A, The Counter
https://thecounter.org/pfas-forever-chemicals-pesticides-food-containers/

PFAS—which refers to the broad class of fluorinated "forever chemicals" that The Counter discovered in compostable takeout bowls in 2019—have a variety of industrial applications, even as concerns about their health impacts grow. Now, Roll Call reports, the Environmental Protection Agency made a troubling disclosure: A toxic form of PFAS was being used in the linings of pesticide storage containers, a finding with potentially vast environmental implications. Because the PFAS leached from the linings into the pesticide, it, too, was sprayed into the air in large quantities as part of ongoing treatments meant to control mosquito-borne diseases. The discovery has "opened a Pandora's Box of health risks," according to one expert. Yeah, we just lost our lunch.

Reversing the Trump administration's numerous harmful efforts to censor science
Reps. Suzanne Bonamici, Paul Tonko, and Don Beyer
https://thehill.com/blogs/congress-blog/politics/536507-reversing-the-trump-administrations-numerous-other-harmful

As lawmakers and leaders on the House Science, Space, and Technology Committee, we rely on the scientific community to inform everything we do, from confronting public health threats caused by the pandemic to tackling the growing climate crisis.

For the past four years, our work and the work of countless federal scientists has been undermined by repeated attacks from the Trump administration. As President Biden and Vice President Harris begin their work to build our nation back better, we have a clear mandate and opportunity to listen to our constituents who are calling for us to work together to restore the role of trusted science in public policy.

Let's be very clear. There is nothing "secret" about using the best available science when making policy decisions. Yet in the waning days of the Trump administration, its politicized EPA finalized their "Censored Science" rule. This was the latest in a series of efforts to undermine and disrespect the scientific community by limiting the scope of research that

the EPA could consider in making decisions. It was a push to restrict the use of common public health data that has long showed negative health effects from rising pollution in our air, water, and environment.

This rule was finalized during a pandemic – a national crisis when science should have been driving life-saving policy decisions. The timing of the rule demonstrates the very real harm that can be done. It also emphasizes how quickly we must get to work to reverse this anti-science rule and its underlying agenda, which is to protect polluters rather than people and the planet. The rule censors science, undermines public scientific integrity, and threatens to fracture our nation's bedrock public health and environmental protections. It must not stand.

The American people and Congress have entrusted the EPA with a vital mission: to protect public health and the environment. This mission requires strong, credible science that is free from undue interference, bias, or ideology.

By placing politically motivated restrictions on science in making decisions that affect the health of our communities and planet, the Trump administration clearly intended to undercut landmark environmental laws like the Clean Air Act and Clean Water Act. Their efforts could endanger the lives and livelihood of every person in this country, and if brought into full effect would significantly and disproportionately harm Black, Indigenous, and communities of color who are still fighting for the promise of clean air and safe water to be fulfilled.

The "Censored Science" rule originated in the House Committee on Science, Space, and Technology years ago, and we stood with countless respected scientists and public health experts to oppose it then. In the years since, opposition to this rule from across the scientific community and throughout Congress has been overwhelming. The Trump administration's own Science Advisory Board even expressed concerns about the rule; the administration ignored them and declined to respond to our calls for an independent review. Instead, they persisted with this attempt to circumvent the legislative process through a flawed and politically-driven rule-making process.

ACLU presses Biden to deliver on immigration with new ads

Biden immigration plans hit early snags

With one of his first executive orders, President Biden recognized that this rule needs immediate and close scrutiny. We stand ready to work with the Biden-Harris administration to rebuild the standards of scientific integrity across America's federal agencies and to defend our scientific community from political attacks.

Reversing the Trump administration's misguided "Censored Science" rule, and their numerous other harmful efforts to censor science, must be a priority for all of us. The people and communities we represent need us to act. They expect that the best available science will inform our decisions. Let's work together to make sure it does, and always will.

Suzanne Bonamici represents Oregon's 1st District, Paul Tonko represents New York's 20th District and Don Beyer represents Virginia's 8th District. They are members of the Science Committee.

EPA Announces Approval of Airborne Antiviral Treatment Product for Use against COVID-19
Lisa M. Campbell & Heather F. Collins, Bergeson & Campbell Pesticide Blog
http://pesticideblog.lawbc.com/entry/epa-announces-approval-of-airborne-antiviral-treatment-product-for-use-agai

On January 15, 2021, the U.S. Environmental Protection Agency (EPA) announced the issuance of a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 18 emergency exemption to the states of Georgia and Tennessee permitting the use of an air treatment product, Grignard Pure, in health care facilities, intrastate transportation, food processing facilities, and indoor spaces within buildings -- including government facilities -- where people are conducting activity deemed essential by the state. According to the EPA Authorizations for Georgia and Tennessee (EPA Authorizations), Grignard Pure forms a mist with activity against airborne SARS-CoV-2, the virus that causes COVID-19. It contains the active ingredient triethylene glycol (TEG), an ingredient commonly used in fog machines for concerts and theater productions.

FIFRA Section 18 authorizes EPA to exempt federal or state agencies from any provision of FIFRA in the event that emergency conditions require such an exemption. EPA regulations (40 C.F.R. Part 166) specify when state or federal government agencies will be permitted to use unregistered pesticides in response to an emergency. EPA's regulations provide that an emergency exists when:

There is an "urgent, non-routine" situation requiring the use of a pesticide to control a new pest not previously prevalent in the United States, to control significant risks to health, the environment, beneficial organisms, or endangered species, or to prevent specified types of economic loss; and

There is no registered pesticide or economically or environmentally feasible alternate method of control available.

40 C.F.R. § 166.3.

The exemptions granted can be very specific and time-limited; EPA has developed a database so companies can search (by chemical, site, pest, applicant, or date range) to determine if an emergency exemption has been issued and its expiration date.

EPA's approval will allow the Grignard Pure product to be applied in Georgia and Tennessee in certain indoor spaces where adherence to current public health guidelines is impractical or difficult to maintain. The areas where it can be used under the exemption include breakrooms, locker rooms, bathrooms, lobbies, elevators, eating areas, and food preparation areas within health care facilities, intrastate transportation, food processing facilities, and indoor spaces within buildings. According to the EPA Authorizations, Grignard Pure may only be applied by trained professionals through a building's HVAC system or using portable devices positioned strategically in an indoor space. Additionally, the label states that use of Grignard Pure does not eliminate the need for critical precautions like mask wearing and social distancing. Signs must be posted to indicate that a space is being treated and to advise that the product may cause temporary irritation to sensitive individuals.

Based on a review of laboratory testing data, EPA states that it expects that when used as directed, Grignard Pure will inactivate continuously 98 percent of airborne SARS-CoV-2 particles. Grignard Pure was tested against a surrogate virus that is harder to kill than SARS-CoV-2.

The approved Section 18 emergency requests are effective for one year. Any unexpected adverse effects related to the use of this product must be reported immediately to EPA as required under the terms of the FIFRA Section 18 emergency exemption approval.

++

For more news, visit:

- Inside EPA: https://insideepa.com/
- Inside TSCA: https://insideepa.com/inside-tsca-home
- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!

And while you're reading…. Remember to shoot your coworkers a shooting star!